

REMARKS

Claims 1-57 are pending and were restricted. Claims 33-57 were elected. Non-elected claims 1-32 are canceled without prejudice. Claims 33-57 are rejected.

In this Amendment, claims 40-41 are canceled, claims 33 and 39 are amended, and new claims 58-80 are added. Support for the amendments and new claims is found in the specification as originally filed at least at claim 41; p.10 line 24 to p. 13 line 2; and p. 24 lines 20-24. Thus, no new matter is added.

Applicant thanks the Examiner for the personal interview on July 26, 2006. As required, Applicant states that the substance of the interview was the pending claims and proposed amendments to distinguish Falsafi.

Double Patenting

Claims 33-57 are provisionally rejected under obviousness-type double patenting over claims 21-24, 26-29, and 52-56 of copending application No. 10/440,804. Applicant will submit a Terminal Disclaimer upon receipt of allowable claims.

Claim Rejections Under 35 U.S.C. §103

Claims 33-39, 41-44, and 46-57 are rejected under 35 U.S.C. §103(a) as obvious over Falsafi.

Claims 33-57 are rejected under 35 U.S.C. §103(a) as obvious over Falsafi in view of Engelbrecht or Zimmerman.

The present amendments completely distinguish Falsafi. Specifically, Falsafi's composition is in one of two embodiments (see, e.g., Falsafi col. 1 line 65 to col. 2 line 7; col. 2 lines 53-61, and col. 3 lines 8-13).

Falsafi's first embodiment is a polymer comprising an acid functionality, called a "polyacid". In Falsafi, at least one of the polyacids, oxidizing agent, and reducing agent must be in a dispersed phase (see, e.g., Falsafi Abstract and col. 1 line 65 to col. 2 line 7). Applicant's amended independent claim 33, and thus dependent claims 34-39 and 42-57 exclude this by reciting that each of Applicant's acidic compound, oxidizing agent, and reducing agent are in a substantially homogeneous phase (excluding fillers). Falsafi does not teach, motivate, or suggest this homogeneous phase requirement, and in fact teaches against it. Applicant thus asserts that claims 33-39 and 42-57 are not obvious over Falsafi.

Falsafi's second embodiment does not require any components to be in a dispersed phase, but requires a particular type of monoacid (see, e.g., Falsafi col. 2 lines 53-61). The only monoacids Falsafi discloses are PDMA and CDMA. Applicant's new independent claim 58 and dependent claims 59-80 recite specific acidic components that exclude PDMA and CDMA. Falsafi does not teach, motivate, or suggest Applicant's particular acids, and Applicant thus asserts that claims 58-80 are not obvious over Falsafi.

Because the claims distinguish over Falsafi, the claims are not obvious in view of the secondary Engelbrecht or Zimmerman references.

CONCLUSION

Based on the foregoing, Applicant believes this application is now in complete condition for allowance and respectfully requests that a Notice of Allowance be issued.

No fees are believed due, but the Examiner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3000. The Examiner is invited to contact the undersigned representative with any questions.

Respectfully submitted,
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